

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:12CV1220 TSE/TRJ
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

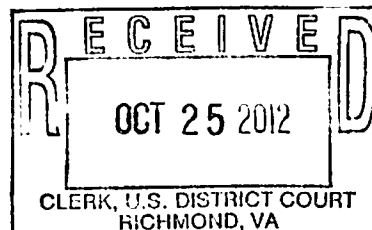
1. (a) Albert Charles Eichel (Name)
Norfolk City Jail
(b) #639027 (Inmate number)
(c) 811 East City Hall Avenue (Address)
Norfolk, Virginia 23510

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Ms. MacDonald (Name)
Norfolk City Jail (b) Chapline (Title/Job Description)
(c) 811 East City Hall Avenue (Address)
Norfolk, Virginia 23510



2. (a) Ms. Bennett
(Name)
Norfolk City Jail
(c) 811 East City Hall Avenue
(Address)
Norfolk Virginia 23510
- (b) Major
(Title/Job Description)
3. (a) _____
(Name)
- (b) _____
(Title/Job Description)
- (c) _____
(Address)
- _____

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) NA

Defendant(s) NA

2. Court (if federal court, name the district; if state court, name the county):

NA

3. Date lawsuit filed: NA

4. Docket number: NA

5. Name of Judge to whom case was assigned: NA

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

NA

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

Norfolk City Jail

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☐] No [☒]

2. If so, where and when: Norfolk City Jail 04/04/12 - 11/01/12

3. What was the result? Norfolk City Jail said it's not a grievance complaint and wouldn't give me one.

4. Did you appeal? Yes [☐] No [☒]

5. Result of appeal: NA

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? Put in Communication Forms

to the Chapline Ms. MacDonald and Major Bennett. and the kitchen

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

NA

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Claim #1 I asked who do I talk to about being provided with a Torah? After 2 or 3 months someone told me Ms. MacDonald the Norfolk City Jail Chapline. ON Monday, October 8th 2012 at Norfolk City Jail I put in a Communication Form to Ms. MacDonald be provided with a Torah and I also on the same day, same place put a Communication Form to Major Bennett about the matter and the matter that I'm not on the right Diet, That I eat Kosher Food. So I ask could Major Bennett could I be provided with them or be transferd some where that does. So Wednesday, October 10th, 2012 a lady came by with a reply from a Communication Form I put in Thursday, October 4th 2012 about my father's traditions as a Jew. She hands me a Bible and the reply. I asked her I don't want a Bible, I asked for a Torah, The lady says this is all we give out is a Bible. Not allowing me a Torah violates the 1st Amendment of the constitution which guaranttees the freedom of Religion, speech, the press, and assembly. If I was a Christian I'll be title my right.

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Claim #2 I asked Ms. MacDonald the Norfolk City Jail's Chapline and Norfolk City Jail's Major Bennett many of times if I could get put on a Kosher Diet. I talked to the Chapline MacDonald and the closes thing I could get was a NO meat Diet. I being punish, because of my believes, Cents I don't eat what everybody else eats I get less food most of the time. They don't put something in the place of the meat, I send it back to the Kitchen and the super viser of the kitchen say thats all get. I got all paperwork I put in stating the problem. That violates the 1st Amendment of the Constitution because I not guarantted the freedom of Religion believes. It also violates the 8th Amendment of the Constitution which forbids excessive bail or cruel and unusual punishment. Punishing me because my Religion believes is cruel and unusual punishment. Making me eat less food instead of putting something else there is byest, Cents I don't eat impure food I can't eat.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. ACE (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

Award money damages in the amount of \$ _____

Grant injunctive relief by _____

✓ Other To grant me my Constitutional Rights and provide me with ~~me with~~
a Torah and put me on a Kasher Diet or transfer me to a institution that does.

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

For the last nine months at Norfolk City Jail 811 E. City
Hall Avenue Norfolk, Virginia 23510

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [✓] No []. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 15th day of October, 2012

Plaintiff Albert E. Smith